

William C. Dresser #104375  
Richard Swenson #221586  
4 North Second Street, Suite 1230  
San Jose, CA 95113-1307  
Tel: 408\279-7529  
Fax: 408\298-3306

Attorneys for Plaintiff  
Landmark Home Mortgage, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Landmark Home Mortgage, Inc.,

Plaintiff,

vs.

Guillermo Flores, Alvin Silbernagel, Atlas  
Financial Services, Inc. dba Atlas  
Financial Services and Atlas Realty,  
Bertha Moreno, Jose Arrellano, Robert  
W. Peterson, individually and dba  
Peterson Appraisal Group, and Does 1  
through 50,

Defendants.

Action No. 07-CV-04654-HRL

Proof of Service of Summons on  
Guillermo Flores

See attached.

Dated: September 26, 2007



Richard Swenson  
Attorneys for Plaintiff  
Landmark Home Mortgage, Inc.

Land-Flo\Pld\POScvrGF.926

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): William C. Dresser, SB 104375 4 North Second Street, Suite 1230 San Jose, CA 95113-1307  TELEPHONE NO.: 408-279-7529 FAX NO. (Optional): 408-298-3306 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara STREET ADDRESS: 191 North First Street MAILING ADDRESS: CITY AND ZIP CODE: San Jose, CA 95113 BRANCH NAME: Civil Division	
PLAINTIFF/PETITIONER: Landmark Home Mortgage, Inc.	CASE NUMBER: 1-07-CV-090658
DEFENDANT/RESPONDENT: Guillermo Flores, Alvin Silbernagel, Atlas Financial, et al	REF ID: 07-CV-04654-HRL
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
  - a. ☒ summons
  - b. ☒ complaint
  - c. ☐ Alternative Dispute Resolution (ADR) package
  - d. ☒ Civil Case Cover Sheet (served in complex cases only)
  - e. ☐ cross-complaint
  - f. ☒ other (specify documents):  
Statement of Damages, Civil Case Notice
3. a. Party served (specify name of party as shown on documents served):  
Guillermo Flores
- b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served:  
195 Moore Drive, San Jose, CA 95113
5. I served the party (check proper box)
  - a. ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
  - b. ☒ by substituted service. On (date): 9/26/07 at (time): 7:15 a.m. I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3): Inez Flores (co-resident)
    - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
    - (2) ☒ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
    - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
    - (4) ☒ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☒ a declaration of mailing is attached.
    - (5) ☒ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: Landmark Home Mortgage, Inc.	CASE NUMBER: 1-07-CV-090658
DEFENDANT/RESPONDENT: Guillermo Flores, Alvin Silbernagel, et al	

5. c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (*specify means of service and authorizing code section*):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (*specify*):
- c. ☐ as occupant.
- d. ☐ On behalf of (*specify*):
- under the following Code of Civil Procedure section:
- |   |   |
|---|---|
| <input type="checkbox"/> 416.10 (corporation)                     | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation)             | <input type="checkbox"/> 416.60 (minor)                               |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee)                 |
| <input type="checkbox"/> 416.40 (association or partnership)      | <input type="checkbox"/> 416.90 (authorized person)                   |
| <input type="checkbox"/> 416.50 (public entity)                   | <input type="checkbox"/> 415.46 (occupant)                            |
|   | <input type="checkbox"/> other:                                       |

7. **Person who served papers**

- a. Name: Nikolaus W. Reed
- b. Address: 4 North Second Street, Suite 1230, San Jose, CA 95113
- c. Telephone number: 408\279-7529
- d. **The fee** for service was: \$
- e. I am:
- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

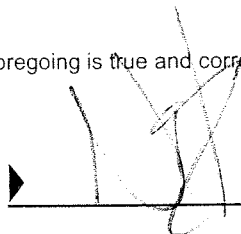
or

9. ☐ **I am a California sheriff or marshal and** I certify that the foregoing is true and correct.

Date: 9/26/07

Nikolaus W. Reed

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

1 William C. Dresser #104375  
Richard Swenson #221586  
2 4 North Second Street, Suite 1230  
San Jose, CA 95113-1307  
3 Tel: 408\279-7529  
Fax: 408\298-3306

4 Attorneys for Plaintiff  
5 Landmark Home Mortgage, Inc.  
6

7  
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SANTA CLARA

10 Landmark Home Mortgage, Inc.,

No: 1-07-CV-090658

11 Plaintiff,

Declaration of Due Diligence  
of Attempted Service on  
Defendant Guillermo Flores

12 vs.

13 Guillermo Flores, Alvin Silbernagel, Atlas Financial  
Services, Inc. dba Atlas Financial Services and Atlas  
14 Realty, Bertha Moreno, Jose Arrellano, Robert W.  
Peterson, individually and dba Peterson Appraisal  
15 Group, and Does 1 through 50,

16 Defendants.  
17

18 I am employed in the County of Santa Clara, California. I am over the age of 18  
19 years and am not a party to the within action. My business address is:

20 Law Offices of William C. Dresser  
4 North Second, Suite 1230  
San Jose, CA 95113  
21 408\279-7529

22 I attempted service, of the Service of Summons, Complaint, and Statement of  
23 Damages on Guillermo Flores and by the following steps on the following dates and  
24 times:

25 1) On September 7, 2007 at 11:25 am, at Defendant place of home located at  
26 3784 Steve Lillie Cir., Stockton, Ca 95206. A woman answered the door and told me  
27 that the house was vacant for eight months prior to her moving in at the beginning of

28 Landmark Home Mortgage, Inc., Plaintiff, vs. Guillermo Flores, Santa Clara County  
Superior Court No. 1-07-CV-090658

Declaration of Due Diligence Re: Defendant Guillermo Flores

1 September.

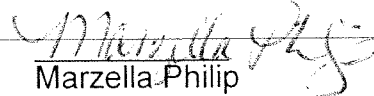
2 2) On September 7, 2007 at 10:45 a.m. at Defendant home located at 6910  
3 Sumter Quay Cir., Stockton, CA 95219. No one answered the door; and

4 3) On September 7, 2007 at 3:45 p.m. at Defendant's home located at 6910  
5 Sumter Quay Cir., Stockton, CA 95219. No one answered the door.

6 4) On September 8, 2007 at 8:30 am at Defendant's home located at 6910  
7 Sumter Quay Cir., Stockton, CA 95219. No one answered the door.

8 I declare under penalty of perjury that the foregoing is true and correct and that  
9 this Declaration was executed by me on September 24, 2007 at San Jose, California.

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Marzella Philip

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1 William C. Dresser #104375  
2 Richard Swenson #221586  
3 4 North Second Street, Suite 1230  
4 San Jose, CA 95113-1307  
5 Tel: 408\279-7529  
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7 Attorneys for Plaintiff  
8 Landmark Home Mortgage, Inc.

9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF SANTA CLARA

11 Landmark Home Mortgage, Inc.,

No. 1-07-CV-090658

12 Plaintiff,

Declaration of Nikolaus W. Reed Re:  
Service of Guillermo Flores

13 vs.

14 Guillermo Flores, Atlas Financial  
15 Services, and Does 1 through 50,

16 Defendants.

17 /

18 I, NIKOLAUS W. REED, declare:

19 1. I attempted service on September 25, 2007 at 11:34 a.m. for Guillermo Flores  
20 at 195 Moore Dr., San Jose, CA 95113. A female who identified herself as Mariana  
21 Flores answered and asserted that she did not speak English. I eventually determined  
22 from her that Guillermo Flores did reside there but was not home at the time.

23 2. I attempted service again on September 25, 2007 at 12:30 p.m. at 195 Moore  
24 Dr. There was no answer.

25 3. I attempted service on September 26, 2007 at 7:15 a.m. at 195 Moore Dr. The  
26 female who had identified herself as Mariana Flores said that Guillermo was not home  
27 and was at work. I asked her for her name again and she said that her name was Inez  
28 Flores. I told her that I had court papers for Guillermo Flores and asked her to give them  
to him.

1 Dated: September 26, 2007

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Nikolaus W. Reed

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Case: 1-07-CV-090658

PROOF OF SERVICE BY MAIL

(Certification/Declaration under Penalty of Perjury  
Code of Civil Procedure Sections 1005, 1012, 1013, 1013a, 2015.5)

I am employed in the County of Santa Clara, California. I am over the age of 18 years and am not a party to the within action. My business address is:

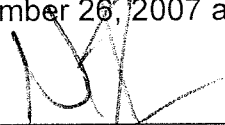
Law Offices of William C. Dresser  
4 North Second Street, Suite 1230  
San Jose, CA 95113-1307  
(408) 279-7529

On the below referenced date I served the within:  
Complaint, Summons, Civil Case Notice, Statement of Damages, and Civil Case Cover Sheet

on interested parties in said action, by placing a true and correct copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail, at San Jose, California, addressed as follows:

Guillermo Flores  
195 Moore Dr., San Jose, CA 95113

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed by me on September 26, 2007 at San Jose, California.

  
Nikolaus W. Reed

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